



Members of the Licensing Committee –

Councillors R P Lillis (Chairman), D J Westcott (Vice Chairman),
I Aldridge, H J W Davies, I Jones, S Y Goss, B Leaker, J Parbrook, R
Thomas, N Thwaites, K H Turner,

21/11/2016

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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

LICENSING COMMITTEE MEETING

Date: Tuesday 29 November 2016
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy.

Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Committee Services on 01643 703704.

Yours sincerely

BRUCE LANG
Proper Officer

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

LICENSING COMMITTEE - AGENDA

29 November at 4.30 pm

Council Chamber, Williton

1. **Apologies for Absence**

2. **Minutes of the meeting held on 8 March 2016**

Minutes of the Meeting of the Committee held on 8 March 2016 – **SEE ATTACHED** – to be confirmed.

3. **Declarations of Interest**

To receive and record any declarations of interest in respect of any matters included the Agenda for consideration at this Meeting.

4. **Public Participation**

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. **Licensing Update Report**

To consider Report No. WSC 136/16. Report to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service. To be presented by the Councillor Turner. Report Author is Licensing Manager J. Rendell – **SEE ATTACHED**.

6. **Proposed Changes to the Licensing of Sites for Moveable Dwellings**

- 1.1 To consider Report No. WSC 137/16. Report to consider the licensing requirements for camping and touring caravan sites and the recommendations of the report with regard to the requirement to renew the licence annually. To be presented by the Councillor Turner. Report Author is Licensing Officer L. Fumagalli – **SEE ATTACHED**.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

The Council's Vision:

To enable people to live, work and prosper in West Somerset

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

The Council's Core Values:

- Integrity
- Respect
- Fairness
- Trust

LICENSING COMMITTEE

Minutes of the Meeting held on 8 March 2016 at 4:30pm

In The Council Chamber, West Somerset House, Williton

Present:

Councillor R P Lillis Chairman

Councillor H Davies

Councillor B Leaker

Councillor R Thomas

Councillor K Turner

Councillor I Aldridge

Councillor J Parbrook

Councillor N Thwaites

Councillor Westcott

Officers in Attendance:

Licensing Manager (J Rendell)

Licensing Officer (L Fumagalli-Roberts)

Temporary Licensing Assistant (S Attfield)

Democratic Services Officer (E Hill)

LEP13 Apologies for Absence

Apologies were received from Councillor Hall

LEP14 Minutes of the meeting held on 24 November 2015

(Minutes of the Meeting of the Licensing Committee held on 24 November 2015 (as approved by Full Council on 16 December 2015) – circulated with the Agenda.)

RESOLVED that the Minutes of the Licensing Committee held on 8 March 2016 be noted.

LEP15 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Councillor S Goss	All	Stogursey Parish Council	Spoke and voted
Councillor D Westcott	All	Watchet Parish Council	Spoke and voted
Councillor N Thwaites	All	Dulverton Town Council	Spoke and voted
Councillor J Parbrook	All	Minehead Town Council	Spoke and voted
Councillor R Thomas	All	Minehead Town Council	Spoke and voted
Councillor K Turner	All	Brompton Ralph Parish	Spoke and voted

		Council	
Councillor H Davies	All	Somerset County Council	Spoke and voted

LEP16 Public Participation

No members of the public had requested to speak on any item on the agenda.

LEP17 Licensing Update Report

The purpose of the report was to keep the Council's statutory Committee up to date on the activities of the council's Licensing service, changes to legislation, current consultations and other general licensing matters.

The Licensing Manager presented the report which contained details of the Licensing Service's activity since the last meeting of the Committee as well as updating Members on the backlog of applications and updating the Members on the staff appointments that had been made.

Enclosed with the reports was data comparison concerning the numbers of applications received for each of the regimes administered by the Licensing Team between October and December and the numbers of licenses in force and notices given at 15 February 2016.

During the discussion the following pointed were raised:-

- Chairman and Cabinet Member attended a Licensing Summit organising by the Licensing Team. This had been informative and enlightening for the Committee Members in understanding the current situation within the Licensing Service and any plans for the future of the service.
- Officers clarified for the Committee what the criteria was for the issuing of Pet Shop Licence.
- Members discussed section 9.1 concerning Child Sex Exploitation and the Licensing Service's plans to advise and empower Hackney Carriage and Private Hire Drivers to report anything suspicious.

RESOLVED that the update report be noted.

LEP18 Proposed Changes to the Hackney Carriage and Private Hire Vehicle Driver Licensing Regime

The purpose of the report was to consider proposed changes to the Hackney Carriage and Private Hire Drivers Vehicle Licence requirements meaning drivers would be required to complete a practical driving test on renewal of their licence, to provide references for a grant application, and the fixed interval and renewal dates for hackney carriage and private hire driver licences.

The Licensing Officer presented the report and advised Members of the proposed changes to the Hackney Carriage and Private Hire Vehicle Drive licensing requirements with the removal of the existing requirement for drivers to undertake the DVSA taxi test or equivalent test upon applying for the renewal of a hackney carriage and private hire vehicle driver licence.

The report proposed to replace the current arrangements with a system whereby drivers must undertake the test, should they accumulate seven or more penalty points on their DVLA driving licence within the three year licence period or where the Licensing Manager deems it necessary, following an evidenced complaint about the driving ability of the licence holder (be that from the Police, other agency or other interested party).

This proposal would mean amending the West Somerset Hackney Carriage/Private Hire Regulations to remove the fixed interval expiry dates for hackney carriage and private hire vehicle driver licences as well as removing the requirement for applicants to provide two references when making an application for the grant of a licence to act as the driver or a hackney carriage and private hire vehicle.

During the discussion the following pointed were raised:

- Discussed the need for the practical test if it was being removed and whether or not it was a statutory requirement or Council policy.
- It was discussed if Officers could extend the expiring licenses for a postponement to allow the work on the new Policy and bespoke test to be completed and approved.
- Officers clarified the position of drivers with expiring licenses.
- Chairman advised the Committee that the Licensing Service were planning to introduce two Taxi Forum's in West Somerset.
- Officers clarified that there would be no changes with the removal fixed expiry dates, other than an eventual reduction to no peak period of renewal.
- Members discussed whether or not personal references for driver application were needed or valid with all the procedures Officers had at their disposal.

A proposal to remove the existing requirement for hackney carriage and private hire vehicle drivers to undertake the DVSA taxi test or equivalent test upon applying for the renewal of a licence and replace it with a system whereby drivers must undertake the test should they accumulate seven or more penalty points on their DVLA driving licence within the three year licence period or where the Licensing Manager deemed it necessary, following an evidenced complaint about the driving ability of the licence holder (be that from the Police, other agency or other interested party) was not supported by Members.

As a result, it was considered that existing licenses should be extended for up to 12 months – with the existing policy conditions – to allow sufficient time for the alternative to the DVSA taxi test, being developed by the Council and Somerset Road Safety Partnership (SRSP) to be introduced in the West Somerset district.

RESOLVED (1) that any expiring Hackney Carriage and Private Hire Driver's Licenses be extended for a period of up 12 months pending the introduction of

Agenda Item 2
Licensing Committee

alternative taxi test being developed the Council and Somerset Road Safety Partnership (SRSP);

RESOLVED (2) that the proposal to amend the West Somerset Hackney Carriage/Private Hire Regulations to remove the fixed interval expiry dates for hackney carriage and private hire vehicle driver licences be approved.

RESOLVED (3) that the proposal to remove the requirement for applicants to provide two references when making an application for the grant of a licence to act as the driver or a hackney carriage and private hire vehicle be approved.

The meeting closed at 5.50 pm.

Report Number: WSC 136/16

West Somerset Council

Licensing Committee – 29 November 2016

Licensing Update report

This matter is the responsibility of Cabinet Member Keith Turner

Report Author : John Rendell, Licensing Manager

1 Executive Summary

- 1.1 This report provides an update on the activities of the council's licensing service, changes to legislation, current consultations and other general licensing matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
If the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
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5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

Applications received and licences in force

- 4.1 The numbers of applications received for each of the regimes administered by the licensing service, between July and September 2016, are shown in comparison with those received for the period in the preceding two years at **Appendix 1**. The numbers of licenses in force and notices given as of the 2 November 2016 are shown at **Appendix 2**.

Changes to licensing as a consequence of the Immigration Act 2016

- 4.2 The Immigration Act 2016, which commences on the 1st of December 2016, amends existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle and taxi sector.

- 4.3 From the commencement date, the provisions in the 2016 Act mandate all licensing authorities not to issue licences to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. This is to be achieved by carrying out certain immigration checks when a person applies for the grant or renewal of a driver licence; namely the checking of their identification, such as a birth certificate, passport and for those born overseas, their biometric residency permit or similar.
- 4.4 Officers attended a Home Office training session held at Deane House, Taunton on the 31st of October, where they were briefed on the changes and given practical demonstrations in how to determine if identity documents have been forged or counterfeited, using real forged and counterfeit passports, residency permits and driving licences.
- 4.5 The provisions within the Act also add immigration offences and penalties to the list of grounds on which a driver and operator licence may be suspended or revoked by licensing authorities. In circumstances where the driver or operator licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine of up to £1,000, plus £10 for each day that the licence is not returned after conviction.

5 Links to Corporate Aims / Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

6 Finance / Resource Implications

- 6.1 The changes to the licensing regime for hackney carriage and private hire vehicle drivers, as a consequence of the Immigration Act 2016 as explained within paragraphs 4.17 to 4.20, will have an impact on the resources of the Licensing service, since it will take longer than the current face to face meeting with the applicant, to establish the validity of any identification document presented and whether the applicant has the right to live and work in the UK.
- 6.2 That being said, the service is able to recover all reasonable costs associated with the administration of an application for the grant or renewal of a hackney carriage/private hire vehicle drivers licence, such as the time a Licensing Officer spends interviewing an applicant and checking their identification. In this instance, the application fee is to be adjusted to ensure that the additional cost to the service is recovered and there is not a detrimental impact on the Council general fund.

7 Legal Implications (if any)

- 7.1 As explained within paragraphs 4.2 to 4.5, the commencement of the Immigration Act 2016 on the 1st of December 2016, will place a legal duty on the Council to not issue hackney carriage/private hire vehicle drivers licences to individuals who do not have the right to live and work in the UK.

8 Environmental Impact Implications (if any)

8.1 There are no specific environmental impact implications identified as a result of this report.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety.

10 Equality and Diversity Implications (if any)

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The changes to the licensing regime for hackney carriage and private hire vehicle drivers, as a consequence of the Immigration Act 2016, explained within paragraphs 4.2 to 4.5, are to be applied to all individuals that apply for the grant or renewal of a hackney carriage/private hire vehicle drivers licence, irrespective of their race, nationality or country of birth (including those born within the UK).

10.3 No other equality and diversity implications were identified.

11 Social Value Implications (if any)

11.1 No social value implications have been identified.

12 Partnership Implications (if any)

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications (if any)

**Agenda Item 5
Licensing Committee**

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications (if any)

14.1 No asset management implications were identified.

15 Consultation Implications (if any)

15.1 There are no consultation implications.

16 Scrutiny Comments

16.1 There are no scrutiny comments or recommendations.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

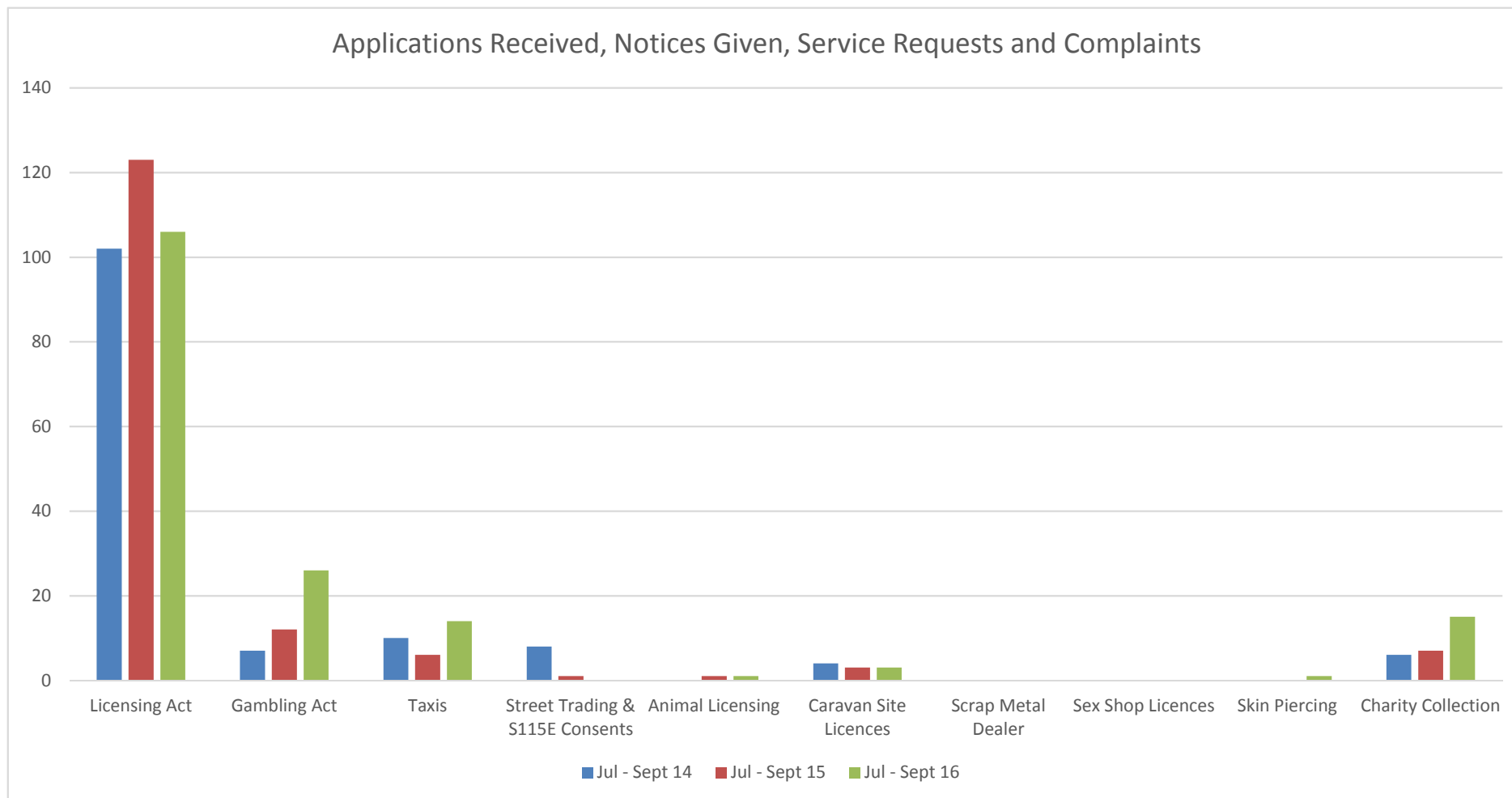
Reporting Frequency : Once only Ad-hoc Quarterly
 Twice-yearly Annually

List of Appendices

Appendix 1	Applications received and notices given
Appendix 2	Licences issued and notices given

Contact Officers

Name	John Rendell
Direct Dial	01823 256343
Email	j.rendell@tauntondeane.gov.uk



Licences Issued and Notices Given

These figures show the number of licences in force at the 18th November 2016 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	273
Licensing Act 2003 Club Premises Certificates	22
Licensing Act 2003 Personal Licences	814
Licensing Act 2003 Temporary Event Notices	2589
Gambling Act 2005 Club Machine Permit	8
Gambling Act 2005 Licensed Premises Gaming Machine Permits	3
Gambling Act 2005 Occasional Use Notices	22
Gambling Act 2005 Premises Licences	2
Gambling Act 2005 Prize Gaming Permits	1
Gambling Act 2005 Society Lotteries	51
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	13
Gambling Act 2005 Notification of 2 or less Gaming Machines	32
Hackney Carriages	42
Private Hire Vehicles	23
Hackney Carriage & Private Hire Drivers	64
Private Hire Operators	18
Street Trading Consents	11
Section 115E (Pavement Café) Permits	N/A
Zoo Licences	3
Pet Shop Licences	1
Dog Breeding Licence	0
Animal Boarding Licence	8
Riding Establishment Licences	5
Dangerous Wild Animal Licences	0
Caravan Site Licences	36
Scrap Metal Dealer licence	2
Sex Shop Licences	0
Skin Piercing Registrations	21
Street Collection Permits	463
House to House Collection Permit	350

(since 01/09/2007)

Report Number: WSC 137/16

West Somerset Council

Licensing Committee – 29th November 2016

Proposed changes to the licensing of sites for moveable dwellings

This matter is the responsibility of Cabinet Member Keith Turner

Report Author: Leigh-ann Fumagalli, Licensing Officer

1 Purpose of the Report

- 1.1 Members are asked to consider the licensing requirements for camping and touring caravan sites and the recommendations set out at section 2 of the report with regard to the requirement to renew the licence annually.

2 Recommendations

- 2.1 That members approve a proposal to abolish the 12 month licence period currently applied to the licence for use of land as a site for moveable dwellings.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
Unnecessary burden placed on both applicants and resources due to the requirement to renew the licence annually.	4	2	8

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
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4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

Background

- 4.1 The Council currently grants campsite licences for a duration of one year, there is no fee charged for this licence.
- 4.2 Section 269 of the Public Health Act 1936 gives the Local Authority the power to control the use of moveable dwellings and to licence the use of land as a site for use by tents and touring caravans. The legislation does not refer to a licence period or renewal of a licence.
- 4.3 A licence is only required if the land is to be used for more than 42 consecutive days or for more than 60 days in any consecutive 12 months.

**Agenda Item 6
Licensing Committee**

- 4.4 There are some exceptions to the requirement for a site licence to be issued by the Local Authority, these include (but are not limited to) sites occupied by exempted organisations such as a camping club, or if the site is to be used by agricultural workers.
- 4.5 There are 12 sites currently licensed within the West Somerset district and these licences are renewed annually. No fee is charged for the licence and renewal applications are generated and issued by the department each year.
- 4.6 The time taken by a member of the Licensing Team to complete the application process for an individual premises is approximately 20-30minutes on average, this takes into account the time taken to generate and issue the renewal documents through to receiving the completed application and issuing the licence. This time can be increased if there are any issues such as missing documents which have to be requested from the applicant.
- 4.7 It is proposed to remove the licence period to enable licences to be issued indefinitely unless there is a restriction on the site with regards to the planning permission, in which case the licence would be issued for a period to coincide with the expiry of the planning permission for the site.
- 4.8 Licence holders will be able to notify the Council of any relevant changes, such as a transfer or change to the number of units, by completing a form as per the current arrangement.
- 4.9 The abolition of the licence period would reduce the burden on the Licensing Department resources and reduce financial loss, particularly as there is no fee charged for this licence. Removing the requirement to renew a licence also reduces burden on applicants and supports the Corporate Aims as set out below at 5.1.

5 Links to Corporate Aims / Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation and reduce unnecessary burdens in order to support new and existing businesses and enabling cultural and leisure activities, thereby supporting the Council's vision 'to enable people to live, work and prosper in West Somerset'.

6 Finance / Resource Implications

- 6.1 The finance and resource implications have been set out within the report.

7 Legal Implications (if any)

- 7.1 No legal implications have been identified.

8 Environmental Impact Implications (if any)

- 8.1 No environmental impact implications have been identified.

9 Safeguarding and/or Community Safety Implications (if any)

- 9.1 No safeguarding and/or community safety implications have been identified.

10 Equality and Diversity Implications (if any)

10.1 No equality and diversity implications have been identified.

11 Social Value Implications (if any)

11.1 No social value implications have been identified.

12 Partnership Implications (if any)

12.1 No partnership implications have been identified.

13 Health and Wellbeing Implications (if any)

13.1 No health and wellbeing implications have been identified.

14 Asset Management Implications (if any)

14.1 No asset management implications have been identified.

15 Consultation Implications (if any)

15.1 No consultation implications have been identified.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : Once only Ad-hoc Quarterly
 Twice-yearly Annually

Contact Officers

Name	Leigh-ann Fumagalli
Direct Dial	01823 356343
Email	l.fumagalli@tauntondeane.gov.uk